

Message Text

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ORIGIN NEA-10

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DRAFTED BY NEA/AFN JVMONTVILLE

APPROVED BY NEA/AFN MWWILEY

EB/CBA/BP:RBUSHNELL

R/NEA:KHUFFMAN

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FM SECSTATE WASHDC

TO AMEMBASSY RABAT PRIORITY

INFO AMCONSUL CASABLANCA PRIORITY

CONFIDENTIAL STATE 119875

E.O. 11652: GDS

TAGS: ETRD, MO

SUBJECT: JUSTICE DEPARTMENT REQUEST TO MEET OCP OFFICIALS
VISITING U.S.

1. FOR EMBASSY'S INFORMATION, JUSTICE DEPARTMENT IS
ATTEMPTING TO ARRANGE MEETING BETWEEN ANTI-TRUST DIVISION
OFFICERS AND OFFICE CHERIFIEN DES PHOSPHATES (OCP) OFFI-
CIALS WHO ARRIVING U.S. FOR CONFERENCE WEEKEND OF MAY 24.
PRIMARY PURPOSE IS TO SEEK OCP COOPERATION IN DEVELOPING
INFORMATION ON AMERICAN PHOSPHATE FIRMS WHICH MAY HAVE
BEEN INVOLVED IN POSSIBLE CONSPIRACY TO FIX INTERNATIONAL
PHOSPHATE ROCK PRICES AND/OR ALLOCATE INTERNATIONAL MARKETS
IN VIOLATION OF SHERMAN ANTI-TRUST ACT. JUSTICE STATES
OCP AND U.S. PHOSPHATE INDUSTRY ARE WELL AWARE THAT
INVESTIGATION IS GOING ON.

2. JUSTICE OFFICERS ACCOMPANIED BY DEPTOFFS FROM NEA/AFN
AND EB CALLED ON MOROCCAN COUNSELOR BENJELLOUN MAY 21 TO
EXPLAIN INVESTIGATION AND SEEK MOROCCAN EMBASSY'S HELP IN
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TRYING TO ARRANGE INTERVIEWS WITH MOHAMMED KARIM-LAMRANI
AND OTHER OCP OFFICIALS IN WASHINGTON OR AT SAN FRANCISCO
CONFERENCE NEXT WEEK. JUSTICE OFFICIALS WERE FRANK TO
POINT OUT THAT IF INVESTIGATION ULTIMATELY REVEALS THAT OCP

HAS BEEN INVOLVED WITH U.S. FIRMS IN RESTRAINT OF TRADE IN

INTERNATIONAL PHOSPHATE MARKET, OCP AND ITS OFFICERS COULD BE INDICTED AS DEFENDANTS OR CO-CONSPIRATORS WHETHER OR NOT THEY PHYSICALLY PRESENT IN U.S. IMPLICATION WAS CLEAR THAT THEY WOULD THEN BE SUBJECT TO ARREST IF THEY LATER VISITED UNITED STATES. HOWEVER, JUSTICE OFFICIALS EMPHASIZED THAT PRINCIPAL INTEREST IN PROPOSED INTERVIEWS WAS IN GAINING INFORMATION ON POSSIBLE AMERICAN INVOLVEMENT, AND THAT VOLUNTARY COOPERATION BY OCP IN INVESTIGATION WOULD BE TO OCP'S ADVANTAGE. IF AMERICAN COMPANIES ARE IN FACT INNOCENT, OCP COOPERATION WOULD BE USEFUL IN DEMONSTRATING THIS FACT TO DEPARTMENT OF JUSTICE.

3. BENJELLOUN TOOK CAREFUL NOTES AND SAID HE WOULD DO HIS BEST AFTER CONSULTING WITH AMBASSADOR BOUTALEB TO TRY TO ARRANGE REQUESTED INTERVIEWS. DEPTOFFS EXPLAINED TO BENJELLOUN THAT THEY WERE PRESENT AT MEETING TO ASSURE THAT FOREIGN POLICY ELEMENTS OF QUESTION RECEIVED NECESSARY ATTENTION IN THIS EXERCISE IN THE ENFORCEMENT OF U.S. LAW.

4. JUSTICE OFFICIALS TOLD DEPARTMENT OFFICERS THAT THEY WOULD HAVE POWER TO SUBPOENA OCP OFFICIALS WHILE THEY WERE IN UNITED STATES, BUT THAT THEY DID NOT INTEND TO DO SO DURING THIS VISIT. THEY WOULD SEEK VOLUNTARY COOPERATION AND IF MOROCCANS DID NOT COOPERATE, POSSIBILITY OF SUBPOENA WOULD BE CONSIDERED IF OCP OFFICIALS MADE SUBSEQUENT TRIP TO U.S.

5. IT SEEMS PROBABLE THAT OCP OFFICIALS WILL CONSULT WITH THEIR FRIENDS IN U.S. PHOSPHATE INDUSTRY AND PERHAPS WITH LEGAL COUNSEL TO U.S. INDUSTRY BEFORE THEY REPLY TO DEPARTMENT OF JUSTICE REQUEST.

6. JUSTICE OFFICERS HAVE BEEN FULLY BRIEFED ON SPECIAL CHARACTER OF OCP AS GOM MONOPOLY AND KARIM-LAMRANI'S CONFIDENTIAL

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STATURE AS FORMER PRIME MINISTER AND CONTINUING CONFIDANT OF KING HASSAN. DEPARTMENT BELIEVES THAT JUSTICE OFFICIALS AWARE OF POLITICAL SENSITIVITIES. FACT THAT REQUEST FOR INTERVIEW MADE IN ADVANCE THROUGH EMBASSY SHOULD MINIMIZE POSSIBLE ADVERSE POLITICAL CONSEQUENCES. INGERSOLL

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